

FILEDUNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the

District of New Mexico

FEB 03 2020

MITCHELL R. ELFERS
CLERK

United States of America

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v.

)

Timothy Chischilly
DOB: XX/XX/1971 and
Stacy Yellowhorse
DOB: XXXX/1971

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Case No.

20 MJ 394

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

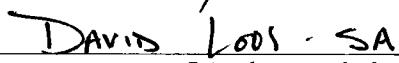
On or about the date(s) of January 23, 2020 in the county of McKinley in the
District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*18 USC 1153
18 USC 1111(a) Offenses committed within Indian Country
Murder

This criminal complaint is based on these facts:

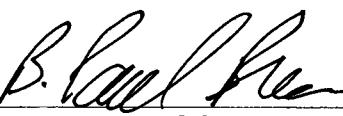
Please see attached affidavit.

 Continued on the attached sheet.

 Complainant's signature


 Printed name and title

Sworn to before me and signed in my presence.

Date: 2/3/2020

 Judge's signature

City and state: Albuquerque, NM**B. Paul Briones, US Magistrate Judge**

Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

VS

Timothy Chischilly

Year of Birth ~~2000~~ 1971

Stacy Yellowhorse

Year of Birth 1971

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)
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Case No. _____

AFFIDAVIT IN SUPPORT OF

ARREST WARRANT

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND PROBABLE CAUSE ARREST

I, the undersigned, being duly sworn, hereby depose and state as follows:

Introduction and Agent Background

1. Your affiant is a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and has been employed in that capacity since July of 2010. Your affiant is currently assigned to the Albuquerque Division of the FBI, Gallup Resident Agency, and has primary investigative responsibility for crimes occurring within Indian Country; including violent crimes such as homicide, robbery, arson, aggravated assault, sexual assault and narcotics violations. The information set forth in this affidavit has been derived from an investigation conducted by your affiant and/or communicated to him by other sworn Law Enforcement Officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested Criminal Complaint for Timothy CHISCHILLY and Stacy YELLOWHORSE, and does not set forth all of my knowledge about this matter. During the course of the investigation the following information was obtained:

Probable Cause

2. Your Affiant was contacted on January 31, 2020, by the Gallup Police Department in regards to a missing persons report that was filed on January 23, 2020 for P.D., year of birth 1983, (hereafter Jane Doe). On January 31, 2020, J.C., year of birth 1962, (hereafter Witness 1) went to the Gallup Police Department and reported that her brother, Timothy CHISCHILLY (hereafter CHISCHILLY), had confessed to killing Jane Doe, the girl "they" were looking for. According to Witness 1, CHISCHILLY told her and other family members that he (CHISCHILLY) held Jane Doe down as his girlfriend, Stacy YELLOWHORSE (hereafter YELLOWHORSE), used a sledge hammer to kill Jane Doe.

3. Witness 1 was shown a picture of a white, four door, Buick vehicle, which Witness 1 confirmed belonged to CHISCHILLY.

4. T.V., year of birth 1977, (hereafter Witness 2) stated that on January 23, 2020, she was with Jane Doe, CHISCHILLY, and YELLOWHORSE. Witness 2 stated that she got in a fight with Jane Doe and YELLOWHORSE in the Gallup area. Witness 2 stated she was beat up and on the ground when she saw CHISCHILLY, YELLOWHORSE, and Jane Doe leave in a larger, white, four-door car.

5. Your Affiant interviewed CHISCHILLY and YELLOWHORSE on the morning of February 1, 2020. CHISCHILLY and YELLOWHORSE confirmed they had been with Jane Doe on January 23, 2020, but stated they dropped her off at a restaurant in Gallup, and never saw Jane Doe again.

6. On February 1, 2020, after interviewing CHISCHILLY and YELLOWHORSE, your Affiant interviewed M.A., year of birth 1984, (hereafter Witness 3), who stated she heard CHISCHILLY confess that, "we killed somebody," and heard CHISCHILLY say that it was "the girl that was missing." Witness 3 stated she heard CHISCHILLY say that he (CHISCHILLY), held "her" down and YELLOWHORSE hit her with a sledge hammer.

7. On February 1, 2020, your Affiant interviewed A.A., year of birth 1984, (hereafter Witness 4). Witness 4 stated CHISCHILLY told Witness 4 and others in the room that CHISCHILLY murdered someone. Witness 4 stated after hearing the confession, other members of his family left the room where they were all gathered. Witness 4 stated CHISCHILLY provided additional details that he (CHISCHILLY) "pinned her down with nails and a hammer" and YELLOWHORSE came by with a sledge hammer and "bashed" her head in. Witness 4 stated CHISCHILLY told him that after the head bashing, they (CHISCHILLY and YELLOWHORSE) disposed of the body by hacking the body into pieces, burning the body, and putting the body parts "here and there."

8. Witness 4 stated CHISCHILLY asked Witness 4 if he would help to clean up the mess. Witness 4 stated CHISCHILLY told Witness 4 there are still remains around and CHISCHILLY did not know if the dogs had taken the remains.

9. Witness 4 stated he went down to CHISCHILLY's house and looked inside a white, four door, vehicle which belonged to CHISCHILLY. Witness 4 stated he saw the tools CHISCHILLY had described using, to include a sledge hammer, nails, and knives. Witness 4 stated the inside of the vehicle looked like someone had tried to clean it up. Witness 4 stated the vehicle smelled like blood. Witness 4 also stated he could see blood inside the vehicle.

10. Later in the evening on February 1, 2020, your Affiant again interviewed YELLOWHORSE. YELLOWHORSE stated that on the day she and Jane Doe had fought with Witness 2, Jane Doe traveled back with them (CHISCHILLY and YELLOWHORSE) to their home in Mexican Springs, New Mexico. YELLOWHORSE stated she was asleep when she woke up to hear Jane Doe screaming. YELLOWHORSE looked and saw Jane Doe's hand nailed to the floor with a large construction type nail. YELLOWHORSE stated she saw CHISCHILLY on top of Jane Doe driving another nail through Jane Doe's other hand into the floor. YELLOWHORSE described Jane Doe as lying on her back with her arms out to the sides. YELLOWHORSE stated she got scared and ran out of the house. YELLOWHORSE forgot her shoes and returned to the house to see CHISCHILLY using a hammer to remove the nails that had been driven through Jane Doe's hands into the floor. YELLOWHORSE stated Jane Doe was alive at that time. YELLOWHORSE left the house again. YELLOWHORSE stated when she returned she saw a large bonfire and smelled a body in the fire. Your Affiant is familiar with the location of the house and the location of the fire pit. Your Affiant estimates the fire pit is approximately 50 yards from the house. YELLOWHORSE stated CHISCHILLY kept the fire raging for three days.

11. YELLOWHORSE stated the following morning she helped CHISCHILLY remove bloody furniture from the house. YELLOWHORSE stated CHISCHILLY chopped the furniture into pieces and burned them.

12. On the morning of February 2, 2020, YELLOWHORSE stated she helped CHISCHILLY remove some of the larger bones that did not burn in the fire. YELLOWHORSE stated she helped CHISCHILLY scatter Jane Doe's bones and skull in various areas. YELLOWHORSE was able to take Law Enforcement Officers to the location where they left Jane

Doe's skull. On February 2, 2020, a skull was recovered by Law Enforcement Officers on the Navajo Indian Reservation.

13. On the morning of February 2, 2020, pursuant to an authorized search warrant, Law Enforcement Officers conducted a search of CHISCHILLY and YELLOWHORSE's residence. Law Enforcement Officers found two holes in the floor surrounded by what is believed to be blood. The holes in the floor are consistent with the description YELLOWHORSE provided of seeing Jane Doe's arms stretched out to the sides with her hands nailed to the floor. Furthermore, Law Enforcement Officers found evidence of blood throughout the home.

14. Law Enforcement Officers searched through the remains of a fire near CHISCHILLY's home. Law Enforcement Officers found what they believe to be human remains.

15. Additionally, Law Enforcement Officers searched a dump location where CHISCHILLY is believed to have dumped garbage and ashes. Law Enforcement Officers found what they believe to be human remains.

Jurisdictional Statement

16. On February 1, 2020, Criminal Investigators from the Navajo Nation confirmed that the location of CHISCHILLY's home is within the boundaries of the Navajo Indian Reservation, which is Indian Country in the District of New Mexico. Further, CHISCHILLY and YELLOWHORSE are enrolled members of the Navajo Nation.

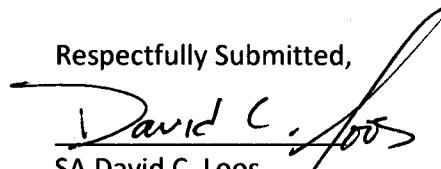
Conclusion

17. In view of the above facts, your affiant submits that there is probable cause to believe that Timothy CHISCHILLY and Stacy YELLOWHORSE, enrolled members of the Navajo

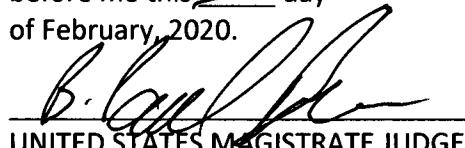
Nation, violated Title 18 United States Code (USC) 1111(a), CHISCHILLY and YELLOWHORSE unlawfully killed Jane Doe with malice aforethought. The incident is believed to have occurred in Mexican Springs, New Mexico, which is within the exterior boundaries of the Navajo Nation and is "Indian Country," in violation of Title 18, United States Code, Section 1153.

18. Assistant United States Attorney Kyle Nayback reviewed and approved this affidavit for legal sufficiency.

Respectfully Submitted,


SA David C. Loos
Federal Bureau of Investigation
Albuquerque Division
Gallup Resident Agency

Submitted and sworn to
before me this 3 day
of February, 2020.


UNITED STATES MAGISTRATE JUDGE

B. Paul Briones, US Magistrate Judge